

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

11 CV 6358

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Securities Investor Protection Corporation

## DEFENDANTS

Bernard L. Madoff Investment Securities, LLC

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Mark I. Silberblatt, Bisceglie & DeMarco LLC,  
345 Rifle Camp Road, Woodland Park, NJ 07424

## ATTORNEYS (IF KNOWN)

Attorneys for Trustee: Baker Hostetler LLP  
45 Rockefeller Plaza, NY NY 10111 (212) 589-4200CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158: appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No?  Yes?  Judge Previously Assigned See attachmentIf yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

## (PLACE AN [X] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>PROPERTY RIGHTS</b>	<b>STATE REAPPORTIONMENT</b>
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 610 AGRICULTURE	[ ] 410 ANTitrust
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 365 PERSONAL INJURY PRODUCT LIABILITY	[ ] 620 OTHER FOOD & DRUG	[ ] 430 BANKS & BANKING
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 625 DRUG RELATED SEIZURE OF PROPERTY	[ ] 450 COMMERCE
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 630 LIQUOR LAWS	21 USC 881	[ ] 460 DEPORTATION
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE LIABILITY	[ ] 640 RR & TRUCK	[ ] 820 COPYRIGHTS	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 650 AIRLINE REGS	[ ] 830 PATENT	[ ] 480 CONSUMER CREDIT
[ ] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[ ] 350 MOTOR VEHICLE	[ ] 660 OCCUPATIONAL SAFETY/HEALTH	[ ] 840 TRADEMARK	[ ] 490 CABLE/SATELLITE TV
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 690 OTHER	SOCIAL SECURITY	[ ] 810 SELECTIVE SERVICE
[ ] 160 STOCKHOLDERS SUITS	[ ] 360 OTHER PERSONAL INJURY	[ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY	LABOR	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[ ] 190 OTHER CONTRACT LIABILITY			[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 861 HIA (1395f)
[ ] 195 CONTRACT PRODUCT LIABILITY			[ ] 720 LABOR/MGMT RELATIONS	[ ] 862 BLACK LUNG (923)
[ ] 196 FRANCHISE	ACTIONS UNDER STATUTES		[ ] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[ ] 863 OIWC/DIW (405(g))
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	RAILWAY LABOR ACT	[ ] 864 SSID TITLE XVI
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 510 MOTIONS TO VACATE SENTENCE	[ ] 740 OTHER LABOR LITIGATION	[ ] 865 RSI (405(g))
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	20 USC 2255	[ ] 790 IRS-THIRD PARTY	12 USC 3410
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 530 HABEAS CORPUS	26 USC 7609	[ ] 870 TAXES (U.S. Plaintiff or Defendant)
[ ] 240 TORTS TO LAND	[ ] 444 WELFARE	[ ] 535 DEATH PENALTY		[ ] 875 CUSTOMER CHALLENGE
[ ] 245 TORT PRODUCT LIABILITY	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 540 MANDAMUS & OTHER		[ ] 880 OTHER STATUTORY ACTIONS
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 550 CIVIL RIGHTS		[ ] 890 AGRICULTURAL ACTS
		[ ] 555 PRISON CONDITION		[ ] 892 ECONOMIC STABILIZATION ACT
		[ ] 440 OTHER CIVIL RIGHTS		[ ] 893 ENVIRONMENTAL MATTERS
				[ ] 894 ENERGY ALLOCATION ACT
				[ ] 895 FREEDOM OF INFORMATION ACT
				[ ] 900 APPEAL OF FEE DETERMINATION
				UNDER EQUAL ACCESS TO JUSTICE
				[ ] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ OTHER

JUDGE Hon. Denise L. Cote DOCKET NUMBER 11-cv-5683

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

(Please see attached regarding related cases)

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

1 Original Proceeding       2a. Removed from State Court       3 Remanded from Appellate Court       4 Reinstated or Reopened       5 Transferred from (Specify District)       6 Multidistrict Litigation       7 Appeal to District Judge from Magistrate Judge Judgment  
 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.  
(28 USC 1322, 1441)

1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY  
(U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 13 <input checked="" type="checkbox"/> 13	DEF <input type="checkbox"/> 13 <input type="checkbox"/> 13	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 15 <input checked="" type="checkbox"/> 15	DEF <input type="checkbox"/> 15 <input type="checkbox"/> 15
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input type="checkbox"/> 2	<input type="checkbox"/> 2 <input type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input type="checkbox"/> 4	<input type="checkbox"/> 4 <input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6	<input type="checkbox"/> 6 <input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Appellant: Upstate New York Bakery Drivers and Industry Pension Fund  
Bisceglie & DeMarco LLC  
c/o Mark I. Silberblatt  
345 Rifle Camp Road  
Woodland Park, NJ 07424

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Irving H. Picard, as Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC  
Baker& Hostetler, LLP  
45 Rockefeller Plaza  
New York, NY 10111 (NY County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE 09/7/11 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

YES (DATE ADMITTED Mo. April Yr. 1975)  
Attorney Bar Code # MS7471

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)